

INCORPORATED COUNTY OF LOS ALAMOS CODE ORDINANCE NO. _____

AN ORDINANCE AMENDING
CHAPTER 16, ARTICLE VI, SECTION 16-234
PERTAINING TO DEVELOPMENTS WITH PUBLIC IMPROVEMENTS,
AND CHAPTER 16, ARTICLE VI, SECTION 16-235
PERTAINING TO DEVELOPMENTS WITH PRIVATE IMPROVEMENTS,
AND CHAPTER 16, ARTICLE VII, SECTION 16-276
PERTAINING TO OUTDOOR LIGHTING

Recognizing that public outdoor lighting, including streetlights, is an important component of the nighttime ambience of a community, and recognizing the extraordinary need for the community to heal itself following an officially declared disaster,

THE INCORPORATED COUNTY OF LOS ALAMOS HEREBY ORDAINS:

Section 1. Section 16-234 of Article VI of the Los Alamos County Code is amended to read as follows:

Sec. 16-234. Developments with public improvements.

The developer shall agree to construct all public improvements in accordance with county engineer and utilities manager approved construction drawings and specifications. Such public improvements shall be constructed within the time period specified on the escrow agreement. Except as otherwise provided in Section 16-276, ~~t~~The developer shall construct all utility and public improvements in conformance with the "Los Alamos County Utilities Construction Standards" and adopted county engineer standards and ~~t~~The county engineer and utilities manager shall have review and approval authority over all public improvements.

Section 2. Subsection (c) of section 16-235, Developments with public improvements, of Article VI of the Los Alamos County Code is amended to read as follows:

(c) Except as otherwise provided in Section 16-276, ~~t~~The developer shall construct designated private utility improvements in conformance with the "Los Alamos County Utilities Construction Standards" available from the utilities department and subject to the review and approval of the utilities manager.

Section 3. Section 16-276, Outdoor Lighting, of Article VII of the Los Alamos County Code is amended to include the following new subsection, 16-276(e):

(e) Recognizing that outdoor lighting is an important component of the nighttime ambience of the community and acknowledging that the night skies are a valuable natural resource which should be protected, **commercial establishments with more than 400 Watts total outdoor lighting**, private outdoor lighting which is part of a designated private utility improvement and public outdoor lighting, including but not limited to roadway, walkway, bikeway, park, and outdoor sports lighting, shall be subject to the following additional requirements:

- (1) Whenever and wherever possible, light pollution and light trespass shall be eliminated or reduced to the maximum extent feasible, noting that the Commission Internationale de l'Eclairage (CIE) Environmental Zone E1 ("Areas with intrinsically dark landscapes", the most sensitive zone) may be applicable to R districts near Tribal, National Forest, Bureau of Land Management or other open or designated recreational lands, and specifically includes residential areas that have requested this designation.
- (2) Commercial establishments with more than 400 Watts total outdoor lighting, private outdoor lighting which is part of a designated private utility improvement and public outdoor lighting shall be designed using the lowest light level consistent with the Illuminating Engineering Society of North America's (IESNA) Recommended Practice for Lighting for Exterior Environments (RP-33). However in CIE-E1 zones the average design luminance or illuminance shall be one-half (1/2) the minimum recommend average level of the applicable IESNA RP; provided, however, the County Council has not accepted a study of local conditions for a given area within these zones indicating that lighting at half the minimum average level of the applicable RP in the given area would provide a hazard to public safety, in which case the minimum average light level found necessary by that study in order to mitigate the hazard to public safety, not to exceed the minimum recommend average level of the applicable IESNA RP, shall be used for the design in the given area.
- (3) Private roadway lighting which is part of a designated private utility improvement and public roadway lighting and shall in addition be subject to:
- a. Public or private roadway lighting shall be designed to the IESNA recommended practices for a small mountain community for one of the following roadway lighting design categories (RLDC):
- RLDC-1. Unlighted roadway.
 - RLDC-2. Roadway with partial lighting.
 - RLDC-3. Roadway with lighted intersections.
 - RLDC-4. Roadway with lighted intersections and partial lighting between intersections.
 - RLDC-5. Continuously lighted roadway (IESNA RP-8).
- Partial lighting for purpose of RLDC-2 and RLDC-4 means the additional lighting needed for a specific designated section of roadway where one or more streetlights would substantially improve public safety but local conditions do not indicate the need for lighting based on a higher RLDC.
- In CIE-E1 zones, the RLDC designation shall be modified to include '-E1' (e.g., RLDC-4-E1) and in accordance with section 16-276(e)(2) the target average design luminance or illuminance shall be one-half (1/2) the minimum recommend average level of the applicable IESNA RP.
- b. The county engineer's RLDC category recommendation for a given roadway, or portion thereof, shall occur only after a study of local conditions and shall take into account community lighting goals including minimizing light pollution and light trespass, especially in R districts and CIE-E1 zones.

- c. RLDC-5 shall be considered the highest category of lighting and shall be used for any portion of any roadway only when its use, utility and necessity are demonstrated by a study of the roadway section for which this RDLC is proposed that considers, at a minimum, unusual local conditions that might require the highest standard of lighting, volume of pedestrian traffic necessitating the highest lighting standard, unusually high crime occurrences and/or vehicular accident rates directly attributable to a lack of nighttime lighting, and the need for increased lighting for businesses or public facilities; said study is also referred to in this code section as a study of local conditions.
- d. New roadway lighting systems shall be designed to the lowest RLDC consistent with the lighting goals of the neighborhood or subdivision in which it is to be installed, but shall not be a lower light level than the minimum RLDC needed for public safety as indicated by a study of local conditions; said study shall be provided by the designers of any new private roadway lighting system which is part of a designated private utility improvement.
- e. Existing private roadway lighting which is part of a designated private utility improvement and which must be substantially rebuilt or redesigned beyond normal repair and maintenance shall be considered to be a new roadway lighting system; however, if the RLDC-category determination for that roadway lighting system is less than five (5) years old, the county engineer may waive the requirement to provide a new study of local conditions.
- f. Existing public roadway lighting systems which must be substantially rebuilt or redesigned beyond normal repair and maintenance, including public roadway lighting destroyed in a declared disaster, shall be rebuilt to the RLDC which most closely matches the preexisting light locations, which for a declared disaster shall be the light locations one (1) day prior to the official onset of the disaster; provided, however, the County Council has not accepted a study of local conditions indicating that lighting to the RLDC which most closely matches the preexisting light locations would provide a hazard to public safety and provided there is no petition to the County Council by the affected property owners to use a different RLDC, which petition the County Council shall have the authority to accept and direct the alternate RLDC be used if (i) good cause exists, (ii) the County Council has good reason to believe that if presented as a referendum to the voters in that district said petition would pass with a two-thirds (2/3) majority, and (iii) said petition is presented to the County Council no later than 45 days after the initial design plan including maps showing the proposed light locations is presented to the public; upon acceptance by Council of the petition the county engineer shall have thirty (30) days to accept the new RLDC for the roadways indicated in the petition or provide a study of local conditions which is accepted by the County Council indicating that the petitioned for RLDC would present a danger to public safety and a determination based on that local study of the lowest safe RLDC consistent with local conditions. Recognizing that private property values can vary with exact position of a streetlight or other roadway light, independent of the RLDC used to rebuild or redesign the roadway lighting system, to the extent feasible the preexisting light locations shall be used; except where the majority of property owners within 400 feet of a proposed streetlight have agreed to an alternate location, which shall include addition and removal of a proposed streetlight, and that alternate location is feasible and does not create a public safety hazard.

Section 4. Recognizing that the County Council has been presented with and has accepted petitions signed by a majority of residents to waive streetlighting standards and grandfather in the existing streetlight locations and/or light levels in certain neighborhoods affected by the Cerro Grande Burned Area Reconstruction (BAR) project and has reason to believe the overwhelming majority of residents do not want any additional streetlights and there is no demonstrated need for additional lighting, residential roadway lighting destroyed in the Cerro Grande Fire in May of 2000 shall be considered to have been designed to RLDC-4-E1. Staff shall have thirty (30) days after publication of notice of this ordinance's adoption to either provide a study of local conditions demonstrating a preexisting public safety hazard which is accepted by the County Council or agree to use RLDC-4-E1 as the default RLDC for the BAR project and present to the public a streetlight design using to the extent feasible only the current streetlight locations. Upon presentation of the RLDC-4-E1 streetlight design to the public, property owners in the BAR project shall have two weeks to comment on the design. When there is no demonstrated public safety hazard, to the extent feasible, staff shall comply with requests to relocate a streetlight, remove a streetlight, or add a streetlight. The request must be signed by owners of at least two-thirds (2/3) of properties within 400 feet along the roadway from the streetlight in question and presented no later than two (2) weeks after the RLDC-4-E1 design is presented to the public.

Section 5. Effective Date. This Ordinance shall be effective thirty (30) days after publication of notice of its adoption, and shall be retroactive to include roadway lighting designed as part of the Cerro Grande Burned Area Reconstruction (BAR) project as provided in Section 4.

ADOPTED this ____ day of _____, 2003.

**COUNCIL OF THE INCORPORATED COUNTY OF LOS
ALAMOS**

Geoff Rodgers, Council Chair

ATTEST:

Nita K. Taylor
Los Alamos County Clerk